

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MR. DEVON FRYER,**  
**Plaintiff,**

**v.**

**PHILDELPHIA PARKING  
AUTHORITY, et al.,  
Defendants.**

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**CIVIL ACTION NO. 20-CV-4783**

**ORDER**

AND NOW, this 5<sup>th</sup> day of January, 2021, upon consideration of Plaintiff Devon Fryer's Motion to Proceed *In Forma Pauperis* (ECF No. 6), institutional account statement (ECF No. 7) and *pro se* Amended Complaint (ECF No. 8) it is **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to amend the caption of this case to reflect the caption contained in Fryer's Amended Complaint.
2. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
3. Devon Fryer, #MX-9512, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI-Mahanoy or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Fryer's inmate account; or (b) the average monthly balance in Fryer's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Fryer's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward

payments to the Clerk of Court equaling 20% of the preceding month's income credited to Fryer's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

4. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI-Mahanoy.

5. The Amended Complaint is **DEEMED** filed.

6. The Amended Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** as follows:

A. All claim under 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B) for the reasons in the Court's Memorandum.

B. All state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction for the reasons in the Court's Memorandum.

7. The Clerk of Court shall **CLOSE** this case.

**BY THE COURT:**

/s/ Mitchell S. Goldberg  
**MITCHELL S. GOLDBERG, J.**